

OCT 18 2006

Attorney Docket No. 40128/00901 (08897-004)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Hemmerling et al.  
Serial No. : 10/730,811  
Filed : December 8, 2003  
For : Neuromuscular Monitoring Using Phonomyography  
Group Art Unit : 3762  
Examiner : George C. Manuel

Mail Stop: Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

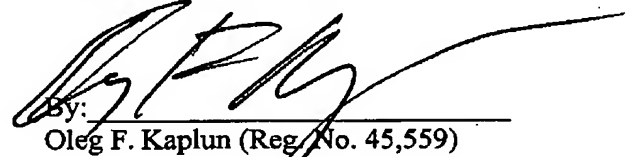
**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

1. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and in conformance with the procedures of 37 C.F.R. §§ 1.97 and 1.98 and M.P.E.P. § 609, attorneys for Applicants hereby bring the following three (3) references to the attention of the Examiner. The references are listed on the attached modified PTO Form No. 1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.
2. A copy of each Non-U.S. Patent or Non-U.S. Patent Publication listed on the Form PTO-1449, if any, is enclosed.
3. By submitting this Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

4. By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).
5. By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Respectfully submitted,

Dated: October 18, 2006

  
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| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><b>FORM PTO-1449</b> | <b>ATTY. DOCKET NO.</b><br>40128/00901   | <b>SERIAL NO.</b><br>10/730,811 |
|  | <b>APPLICANT(S)</b><br>Hemmerling et al. |                                 |
|  | <b>FILING DATE</b><br>December 8, 2003   | <b>GROUP</b><br>3762            |

## U. S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | PATENT<br>NUMBER | PATENT<br>DATE | NAME | CLASS | SUBCLASS | FILING<br>DATE |
|---------------------|------------------|----------------|------|-------|----------|----------------|
|                     |                  |                |      |       |          |                |
|                     |                  |                |      |       |          |                |

## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER | DATE<br>(M/D/Y) | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|---------------------|--------------------|-----------------|---------|-------|----------|-------------|----|
|                     |                    |                 |         |       |          | YES         | NO |
|                     |                    |                 |         |       |          |             |    |
|                     |                    |                 |         |       |          |             |    |

## OTHER DOCUMENTS

| EXAMINER<br>INITIAL |  | AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.   |
|---------------------|--|--|
|                     |  | Datex Ohmeda S-5, "Neuromuscular Transmission Module, M-NMT, 2 sheets.   |
|                     |  | Bluestar Enterprises: TOF Watch, <a href="http://www.bluestarent.com/tofwatch/twside.htm">www.bluestarent.com/tofwatch/twside.htm</a> , 2 sheets.      |
|                     |  | Sherrer et al., "Accelerometry as a Neurophysiologic Method of Exploring Neuromuscular Activity", Laval Med, Vol. 40 No. 4, April 1969, pps. 348-52 *. |
|                     |  |  |

\* English Abstract is provided.

|   |                 |
|---|-----------------|
| EXAMINER  | DATE CONSIDERED |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                 |